

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**GERALD D. HEBERT**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 1:06cv46LG-JMR**

**GEORGE PAYNE, ET AL.**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

This cause comes before the Court on the Report and Recommendation of Chief United States Magistrate Judge John M. Roper entered in this cause on November 21, 2006. After referral of hearing by this Court, no objections having been filed as to the Proposed Findings of Fact and Recommendations, and the Court, having fully reviewed the same as well as the record in this matter, and being duly advised in the premises, finds that said Proposed Findings of Fact and Recommendations should be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the Proposed Findings of Fact and Recommendation of Chief Magistrate Judge John M. Roper entered on November 21, 2006, [50-1] be, and the same hereby is, adopted as the finding of this Court, and the complaint is hereby dismissed without prejudice pursuant to FED. R. CIV. P. 41(b). A separate judgment will be entered herein in accordance with this Order as required by Rule 58 of the Federal Rules of Civil Procedure.

**SO ORDERED AND ADJUDGED** this the 8<sup>th</sup> day of December, 2006.

*s/ Louis Guirola, Jr.*  
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LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE